

REMARKS

Applicant thanks the Examiner for examining the application. Claims 1-32 are currently pending.

Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 3, 7-8, 10, 14-17, 20-22, 24, 26-28, and 30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2004/0122901 to Sylvain in view of U.S. Published Patent Application No. 2003/008046 to Mathis.

Applicant's independent claim 8 requires, among other things, wherein a controller is configured to transmit the notification message to the content subscriber, the address of the notification message allowing the content subscriber to subscribe to the presence information using the one-to-many transmission channel. The Examiner cited to Fig. 2 and ¶ 0036, in particular the presence system 20, as teaching or suggesting the controller, and to ¶¶ 0051-0053, specifically steps 408, 410, 412, and 414 of Sylvain as teaching or suggesting transmitting the notification message to the content subscriber in response to receiving the subscription request, allowing the content subscriber to subscribe to the presence information.

However, Sylvain fails to teach or suggest that a notification message, transmitted by a controller (the presence system 20 in Sylvain), allows a content subscriber to subscribe to the presence information, as required by Applicant's independent claim 8. Rather, as the cited paragraphs of Sylvain clearly show, when the presence system 20 receives, from a content subscriber, a subscription request for presence information, the content subscriber is **already** subscribed to the presence information, without anything else happening. As stated in ¶ 0053:

[T]he integrated presence client 24 will subscribe to the presence service provided by the integrated presence system 20 to receive presence state information based on state changes associated with the various devices of the user. Accordingly, the integrated presence client 24 will send a SUBSCRIBE message, which includes identification information (SIP ID) of the user or telephony device 16, to the proxy server 28 (step 408), which will forward the SUBSCRIBE message to the integrated presence system 20 (step 410).

So far, the presence system 20 has received a subscription request, in the form of a SUBSCRIBE message. Then, returning to ¶ 0053:

In response, the integrated presence system 20 will use the SIP ID provided in the SUBSCRIBE message to identify the user or devices for which presence information is requested. Once the integrated presence system 20 has evaluated the state of the telephony device 16, a NOTIFY message, including presence information for the user of the telephony device 16, is sent to the proxy server 28 (step 412), which forwards the NOTIFY message to the integrated presence client 24 (step 414).

Then, just as Applicant's independent claim 8 requires, the presence system 20 (i.e. the controller) takes action in response to receiving the subscription request. This is where Sylvain and Applicant's independent claim 8 diverge.

Applicant's independent claim 8 requires that, in response to receiving the subscription request, the controller transmit a notification message to the content subscriber, allowing the content subscriber to subscribe to the presence information.

In contrast, while the presence system 20 does transmit a NOTIFY message in response to receiving a subscription request, the NOTIFY message does not allow a content subscriber to subscribe to the presence information. Rather, by simply sending the SUBSCRIBE message, and having the presence system 20 receive it, a subscription is ALREADY formed, prior to the transmission of the NOTIFY message.

As ¶ 0053 goes on to state:

Once the integrated presence system 20 has evaluated the state of the telephony device 16, a NOTIFY message, including presence information for the user of the telephony device 16, is sent to the proxy server 28 (step 412), which forwards the NOTIFY message to the integrated presence client 24 (step 414). At this point, the integrated presence client 24 has subscribed to the presence service 20 for the user and has received the initial presence information for the user . . .

In other words, two things have occurred. First, the integrated presence client 24 has subscribed to the presence service 20 for the user. Second, the integrated presence client 24 has received the initial presence information for the user, in the form of the NOTIFY message, which includes the presence information, as Sylvain itself clearly states. Thus, Sylvain teaches that the NOTIFY message contains requested presence information, and does not allow a content subscriber to subscribe to presence

information, but rather **provides** the already subscribed-to presence information; see at least ¶ 0054 (description of step 422) and ¶ 0072 (“the integrated presence system 20 may send a NOTIFY message providing presence information”).

Given that Sylvain is described by referring to Session Initiation Protocol (SIP), Applicant believes that it is relevant to refer to RFC 3265, available at least at <http://www.ietf.org/rfc/rfc3265.txt>, which includes the following:

A typical flow of messages would be:

Subscriber	Notifier
-----SUBSCRIBE----->	Request state subscription
<-----200-----	Acknowledge subscription
<-----NOTIFY-----	Return current state information
-----200----->	
<-----NOTIFY-----	Return current state information
-----200----->	

In other words, a subscription exists BEFORE a NOTIFY message is sent.

Finally, Applicant respectfully notes that, as discussed in greater detail below with regards to claims 17, 22, and 27-28, Mathis also fails to disclose a controller configured to transmit a notification message to a content subscriber in response to receiving a subscription request, the subscription request allowing the content subscriber to subscribe to the presence information. As in Sylvain, Mathis simply teaches that “[u]pon contacting the server 112, each client device 102, 104, 106, 108 sends a presence message to the server 112 at step 220 and, then, the server provides a current presence status to each client device at step 230”, Mathis ¶ 0019. In other words, like Sylvain, Mathis teaches that a controller (the server 112) receives a subscription request for presence information (a presence message) and, in response, transmits the actual presence information requested, and NOT a notification message allowing the content subscriber to subscribe to the presence information, as required by Applicant’s independent claim 8. Mathis, therefore, also establishes a subscription without transmitting a notification message.

Thus, for any of the reasons given above, neither Sylvain nor Mathis, either alone or in combination, teach or suggest Applicant’s independent claim 8. Therefore, Applicant’s independent claim 8 is allowable over Sylvain in view of Mathis.

Applicant's independent claims 1, 15, and 16 all include limitations similar to those of Applicant's allowable independent claim 8. Therefore, for at least the reason(s) given above with regards to Applicant's allowable independent claim 8, Applicant's independent claims 1, 15, and 16 are themselves not obvious in light of Sylvain in view of Mathis, and thus, Applicant's independent claims 1, 15, and 16 are allowable over the combination of Sylvain with Mathis.

Regarding claims 17, 22, and 27-28, Applicant's independent claim 17 requires, among other things, transmitting a second subscription request for the presence information using the one-to-many transmission channel. The Examiner cited to Mathis as teaching or suggesting this limitation. Specifically, the Examiner cited to ¶¶ 0022-0023.

However, neither the cited portion nor any other portion of Mathis teaches or suggests transmitting a second subscription request for the presence information using the one-to-many transmission channel, as required by Applicant's independent claim 17. The text of ¶ 0023 talks about steps being repeating, and states:

Finally, in step 290, the server 112 determines whether to continue with the current multicast address or current set of multicast addresses. If so, then the client devices 102, 104, 106, 108 and the server 112 repeat steps 265 through 280 as described above. Otherwise, the server 112 may terminate the current session of multicast distribution, or generate one or more new multicast addresses and repeat steps 250 through 280.

Mathis ¶ 0023. However, the steps that are repeated are, in one instance, step 265 (“[i]n Step 265, update messages are sent to the server 112 when there is a change in the value of the presence information for client devices 102, 104, 106 and 108, and at other times based on various factors and conditions”, Mathis ¶ 0022), step 270 (“[i]n Step 270, the server 112 sends multicast messages about the client devices to the multicast addresses when there is a change in value of the presence information and at other times based on various factors and conditions”, Mathis ¶ 0022), and step 280 (“[i]n Step 280, client devices receiving the multicast messages extract relevant information from the multicast messages to update entries in their contact list”, Mathis ¶ 0022). In the other instance, step 250 (“[t]he Server 112 provides one or more multicast

addresses to each client device 102, 104, 106, 108 at Step 250", Mathis ¶ 0021) and step 260 (Upon receiving one or more multicast addresses, each client device 102, 104, 106, 108 performs actions necessary, i.e., configures itself, to receive multicast traffic sent to these multicast addresses at Step 260", Mathis ¶ 0021) are repeated, along with steps 265-280.

The only time Mathis teaches or suggests sending what could be considered a subscription request is during step 220: "Upon contacting the server 112, each client device 102, 104, 106, 108 sends a presence message to the server 112 at step 220 and, then, the server provides a current presence status to each client device at step 230", Mathis ¶ 0019. Mathis fails to teach or suggest repeating step 220 at any time. Further, Applicants note that even if Mathis did teach repeating step 220, step 220 clearly does not involve transmitting a request over a one-to-many transmission channel as required by Applicant's independent claim 17, because the system taught by Mathis does not determine or send multicast addresses until AFTER step 220 has occurred; see at least Fig. 2 steps 240 and 250, and ¶¶ 0020-0021.

Thus, for any of the reasons given above, neither Sylvain nor Mathis, either alone or combination, teach or suggest Applicant's independent claim 17, and thus Applicant's independent claim 17 is allowable over Sylvain in view of Mathis.

Applicant's independent claims 22 and 27-28 all contain limitations similar to those of Applicant's allowable independent claim 17. Thus, for any of the reasons given above with regards to Applicant's allowable independent claim 17, neither Sylvain nor Mathis, either alone or in combination, teach or suggest Applicant's independent claims 22 and 27-28, and thus Applicant's independent claims 22 and 27-28 are themselves allowable over Sylvain in view of Mathis.

Applicant's dependent claims 3 and 7 depend from Applicant's allowable independent claim 1. Applicant's dependent claims 10 and 14 depend from Applicant's allowable independent claim 8. Applicant's 20-21 and 30 depend from Applicant's

allowable independent claim 17. Applicant's dependent claims 24 and 26 depend from Applicant's allowable independent claim 22.

Therefore, for any of the reasons given above, neither Sylvain nor Mathis, either alone or in combination, teach or suggest Applicant's dependent claims 3, 7, 10, 14, 20-21, 24, 26, and 30, and thus Applicant's dependent claims 3, 7, 10, 14, 20-21, 24, 26, and 30 are themselves allowable over Sylvain in view of Mathis.

The Examiner next rejected claims 2, 9, 18, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Sylvain in view of Mathis and further in view of U.S. Published Patent Application No. 2004/0098491 to Costa-Requena et al.

Applicant's dependent claims 2, 9, 18, and 23 depend from, respectively, Applicant's allowable independent claims 1, 8, 17, and 22. Therefore, for at least the reason(s) given above with regards to Applicant's allowable independent claims 1, 8, 17, and 22, Applicant's dependent claims 2, 9, 18, and 23 are themselves not obvious in light of Sylvain in view of Mathis and further in view of Costa-Requena et al., and thus, Applicant's dependent claims 2, 9, 18, and 23 are allowable over the combination of Sylvain with Mathis and with Costa-Requena et al.

The Examiner next rejected claims 4 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Sylvain in view of Mathis and further in view of U.S. Published Patent Application No. 2003/0115283 to Barbir et al.

Applicant's dependent claims 4 and 11 depend from, respectively, Applicant's allowable independent claims 1 and 8. Therefore, for at least the reason(s) given above with regards to Applicant's allowable independent claims 1 and 8, Applicant's dependent claims 4 and 11 are themselves not obvious in light of Sylvain in view of Mathis and further in view of Barbir et al., and thus, Applicant's dependent claims 4 and 11 are allowable over the combination of Sylvain with Mathis and with Barbir et al.

The Examiner next rejected claims 5 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Sylvain in view of Mathis in view of Barbir et al. and further in view of

U.S. Published Patent Application No. 2003/0217099 to Bobde et al.

Applicant's dependent claims 5 and 12 depend from, respectively, Applicant's allowable independent claims 1 and 8. Therefore, for at least the reason(s) given above with regards to Applicant's allowable independent claims 1 and 8, Applicant's dependent claims 5 and 12 are themselves not obvious in light of Sylvain in view of Mathis in view of Barbir et al. and further in view of Bobde et al., and thus, Applicant's dependent claims 4 and 11 are allowable over the combination of Sylvain with Mathis and with Barbir et al. and with Bobde et al.

The Examiner next rejected claims 6, 13, 19, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Sylvain in view of Mathis and further in view of U.S. Patent No. 6,813,501 to Kinnunen et al.

The Examiner next rejected claim 29 under 35 U.S.C. § 103(a) as being unpatentable over Sylvain in view of Mathis in view of Kinnunen et al. and further in view of Bobde et al. and U.S. Published Patent Application No. 2004/0158608 to Friedman.

Applicant respectfully submits that, when an Examiner needs to combine five separate references in order to maintain a rejection of a claim under § 103(a), and the Examiner must also provide proper suggestions or motivations to combine all five references, the Examiner is stretching the term "obvious". In any case, Applicant's dependent claim 29 depends from Applicant's allowable independent claim 1. Therefore, for at least the reason(s) given above with regards to Applicant's allowable independent claim 1, Applicant's dependent claim 29 is itself not obvious in light of Sylvain in view of Mathis in view of Kinnunen et al. and further in view of Bobde et al. and Friedman, and thus, Applicant's dependent claim 29 is allowable over the combination of Sylvain with Mathis and with Kinnunen et al. and with Bobde et al. and with Friedman.

Finally, the Examiner rejected claims 31-32 under 35 U.S.C. § 103(a) as being unpatentable over Sylvain in view of Mathis and further in view of U.S. Patent No. 6,122,372 to Hughes.

Applicant's dependent claims 31-32 depend from, respectively, Applicant's allowable independent claims 1 and 8. Therefore, for at least the reason(s) given above with regards to Applicant's allowable independent claims 1 and 8, Applicant's dependent claims 31-32 are themselves not obvious in light of Sylvain in view of Mathis in view of Hughes, and thus, Applicant's dependent claims 4 and 11 are allowable over the combination of Sylvain with Mathis and with Hughes.

CONCLUSION

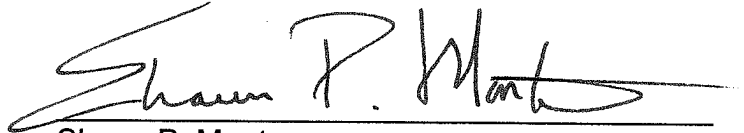
Applicant believes this Amendment and Response to be fully responsive to the present Office Action. Thus, based on the foregoing Remarks, Applicant respectfully submits that this application is in condition for allowance. Accordingly, Applicant requests allowance of the application.

Applicant hereby petitions for any extension of time required to maintain the pendency of this case. If there is any fee occasioned by this response that is not paid, please charge any deficiency to Deposit Account No. 50-3735.

Should the enclosed papers or fees be considered incomplete, Applicant respectfully requests that the Patent Office contact the undersigned collect at the telephone number provided below.

Applicant invites the Examiner to contact the Applicant's undersigned Attorney if any issues are deemed to remain prior to allowance.

Respectfully submitted,

A handwritten signature in black ink, reading "Shaun P. Montana". The signature is fluid and cursive, with a long horizontal stroke at the end.

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